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Chief, Review Staff
1006 AMES

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DDO Grievance and EEO
Officer
3C-43, Hqs.

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Returned herewith your memorandum on the grievance claim of [REDACTED] with a copy of our precis of the OGC opinion relative to the CSC requirement for promotion to grade of position occupied if assignments exceeds 120 days. While the subject is not the exact point brought up by Mr. [REDACTED] the rationale is applicable. The OGC opinion on which the precis is based is OGC 76-6048.

To repeat my comment on the authority for a promotion freeze our regulations do not address promotion freeze, nor as far as I know, do the CSC rules. There is no authority, however, to promote without appropriate and available headroom. The lack of headroom, I believe, is the current problem in the DDO at the GS-07 level, ergo, a freeze on promotions.

For that matter, there is no requirement in Agency regulations that promotions be effected; it is a management decision (now panels!) based on competitive evaluation. The Agency is exempt from the Federal Classification Act and the CSC rules which flow from that. The Director's authority for personnel management is in the CIA Act (Section 8(a),) and where we follow CSC rules for the management of our GS personnel, it is a matter of selection, election or option. We are bound only by our own law and regulations (and common sense) in this area.